

(use as many sheets as necessary)

Sheet	1	of	3
-------	---	----	---

Application Number	10/614,524
Filing Date	July 8, 2003
First Named Inventor	Greta ARNAUT et al.
Examiner Name	
Attorney Docket Number	021565-083

[illegible][illegible]

NON-PATENT LITERATURE DOCUMENTS	
Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
ARK	Adang et al., "Characterized Full-Length and Truncated Plasmid Clones of the Crystal Protein of <i>Bacillus thuringiensis</i> subsp. <i>Kurstaki</i> HD-73 and Their Toxicity to <i>Manduca sexta</i> (1985) Gene 36, 289-300, Elsevier Science Publishers, Amsterdam, Holland
	Bennetzen & Hall "Codon Selection in Yeast" (1982) J. Biol. Chem. 257, 3026-3031, American Society for Biochemistry and Molecular Biology, Baltimore, MD, USA
	Bernhard, K. and Utz, R., "Production of <i>Bacillus thuringiensis</i> Insecticides for Experimental and Commercial Uses", In <i>Bacillus thuringiensis</i> , An Environmental Biopesticide: Theory and Practice, pp. 255-267, eds. Entwistle, P.F., Cory, J.S., Bailey, M.J. and Higgs, S. John Wiley and Sons, New York (1993)
	Christensen et al., "Maize Polyubiquitin Genes: Structure, Thermal Perturbation of Expression and Transcript Splicing, and Promoter Activity Following Transfer to Protoplasts by Electroporation" (1992) Plant Mol. Biol. 18, 675-689, Kluwer Academic Publishers, Belgium
	Cornejo et al., "Activity of a Maize Ubiquitin Promoter in Transgenic Rice", (1993) Plant Mol. Biol. 23, 567-581, Kluwer Academic Publishers, Belgium
ARK	Crickmore et al., "Revision of the Nomenclature for the <i>Bacillus thuringiensis</i> Pesticidal Crystal Proteins", (1998) Microbiol. Mol. Biol. Rev. 62(3), 807-813, American Society for Microbiology, Washington, D.C.

**Examiner
Signature**

Date Considered

5/9/05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT

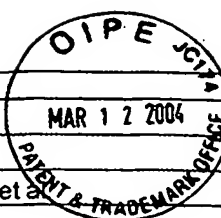
(use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/614,524
Filing Date	July 8, 2003
First Named Inventor	Greta ARNAUT et al.
Examiner Name	
Attorney Docket Number	021565-083

MAR 12 2004



NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
<i>AK</i>	Datta S., Peterhans A., Datta K. and Potrykus I., "Genetically Engineered Fertile Indica-Rice Recovered from Protoplasts", Bio/Technology 8, 736-740 (1990), Nature Publishing, New York NY
	Dulmage, H.T., "Production of Bacteria for Biological Control of Insects" in Biological Control in Crop Production, Ed. Paparizas, D.C., Osmun Publishers, Totowa, NJ, USA, pp. 129-141 (1981)
	Finney, Probit Analysis, 3 rd Edition, Cambridge University Press (1971) table of contents only
	Franck, Guilley, et al, "Nucleotide Sequence of Cauliflower Mosaic Virus DNA", Cell 21, 285-294 (1980), Cell Press, Cambridge, MA, USA
	French, B.T., et al., G.G. "Screening cDNA Expression Libraries with Monoclonal and Polyclonal Antibodies Using an Amplified Biotin-Avidin-Peroxidase Technique" Anal. Biochem. 156, 417-423 (1986) Academic Press, Inc., London, UK
	Fromm M., et al., "Inheritance and Expression of Chimeric Genes in the Progeny of Transgenic Maize Plants", Bio/Technology 8, 833-839 (1990), Nature Publishing, New York, NY
	Gardner, Howarth, et al., "The Complete Nucleotide Sequence of an Infectious Clone of Cauliflower Mosaic Virus by M13mp7 Shotgun Sequencing", Nucleic Acids Research 9, 2871-2887 (1981) IRL Press Limited, Oxford, UK
	Ge A., et al, ""Functional Domains of <i>Bacillus thuringiensis</i> Insecticidal Crystal Proteins" J. Biol. Chem. 266 17954-17958 (1991), American Society for Biochemistry and Molecular Biology, Washington, D.C.
	Gielen, J., et al., "The Complete Nucleotide Sequence of the TL-DNA of the <i>Agrobacterium tumefaciens</i> Plasmid pTiAch5" J., EMBO J. 3, 835-845 (1984) IRL Press Limited, Oxford, England
	Gordon-Kamm W. et al. "Transformation of <i>Zea mays</i> L. Using <i>Agrobacterium tumefaciens</i> and the Shoot Apex" The Plant Cell 2, 603-618 (1990), American Society of Plant Physiologists, Rockville, MD
	Gould, J., et al., "Transformation of Maize Cells and Regeneration of Fertile Transgenic Plants", Plant Physiol. 95, 426-434 (1991), American Society of Plant Physiologists, Rockville, MD
	Ho et al., (1989) "Site-Directed Mutagenesis by Overlap Extension Using the Polymerase Chain Reaction", Gene 77, 51-59, Elsevier Science Publishers B.V., Amsterdam, Holland
	Hofte, H., et al "Monoclonal Antibody Analysis and Insecticidal Spectrum of Three Types of Lepidopteran-Specific Insecticidal Crystal Proteins of <i>Bacillus thuringiensis</i> ", Applied and Environmental Microbiology 54, 2010-2017 (1988), American Society for Microbiology, Washington, D.C.
	Hofte H. et al., "Insecticidal Crystal Proteins of <i>Bacillus thuringiensis</i> ", Microbiological Review 53, 242-255 (1989) American Society for Microbiology, Washington, D.C.
	Hull and Howell, "Structure of the Cauliflower Mosaic Virus Genome", Virology 86, 482-493 (1987) Academic Press, Inc. London and New York
	Ishida et al., (1996) ""High Efficiency Transformation of Maize (<i>Zea mays</i> L.) Mediated by <i>Agrobacterium tumefaciens</i> " Nature Biotechnology 14, 745-750, Nature America, New York
	Itakura et al., "Expression in <i>Escherichia coli</i> of a Chemically Synthesized Gene for the Hormone Somatostatin" (1977) Science 198, 1056-1063, American Assn for the Advancement of Science, Washington, D.C.
	Jansens et al. (1997) "Transgenic Corn Expressing a Cry9C Insecticidal Protein from <i>Bacillus thuringiensis</i> Protected from European Corn Borer Damage", Crop Science 37, 1616-1624, Crop Science Society of America, Madison Wisconsin
	Last et al. (1990) "pEmu: an Improved Promoter for Gene Expression in Cereal Cells", Theor. Appl. Genet. 81, 581-588, Springer, Berlin and New York
	Lereclus, D., et al., "Expansion of Insecticidal Host Range of <i>Bacillus thuringiensis</i> by <i>In vivo</i> Genetic Recombination", Bio/Technology 10, 418 (1992) Nature Publishing Co., New York
	Mahillon et al., "Transformation of <i>Bacillus thuringiensis</i> by Electroporation", FEMS Microbiol. Letters 60, 205-210 (1989) Elsevier, Amsterdam, Holland
<i>AK</i>	Maxam, A.M. et al., "Sequencing End-Labeled DNA with Base-Specific Chemical Cleavages", Methods in Enzymol. 65, 499-560 (1980), Academic Press, Inc., London, U.K.

Examiner Signature

Date Considered

5/9/05

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

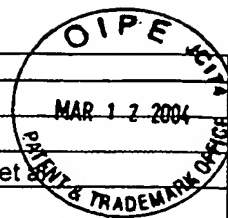
THIRD INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 3

Complete if Known

Application Number	10/614,524
Filing Date	July 8, 2003
First Named Inventor	Greta ARNAUT et al.
Examiner Name	
Attorney Docket Number	021565-083



NON-PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
ARV	McBride et al., "Amplification of a Chimeric <i>Bacillus</i> Gene in Chloroplasts Leads to an Extraordinary Level of an Insecticidal Protein in Tobacco", 1995, <i>Bio/Technology</i> 13, 362, Nature Publishing Co., New York
	Murray E. et al., "Codon Usage in Plant Genes", <i>Nucleic Acids Research</i> 17(2), 477-498 (1989), Oxford Univ. Press, Oxford, England
	Sanger et al., "DNA Sequencing with Chain-Terminating Inhibitors", <i>Proc. Natl. Sci. USA</i> 74(12), 5463-5467 (1977), National Academy of Sciences, Washington, D.C.
	Schnepf et al., "The Amino Acid Sequence of a Crystal Protein from <i>Bacillus thuringiensis</i> Deduced from the DNA Base Sequence", (1985) <i>Journal of Biological Chemistry</i> 260, 6264, American Society of Biological Chemists, Inc., U.S.A.
	Schnepf et al., " <i>Bacillus thuringiensis</i> and its Pesticidal Crystal Proteins", <i>Microbiology and Molecular Biology Reviews</i> , Sept. 1998, vol. 62, no. 3, p. 775-806, American Society for Microbiology, Washington, D.C.
	Shimamoto K., et al., "Fertile Transgenic Rice Plants Regenerated from Transformed Protoplasts", <i>Nature</i> 338, 274-276 (1989), Nature Publishing Group, London, England
	Stanssens P. et al., "Efficient Oligonucleotide-Directed Construction of Mutations in Expression Vectors by the Gapped Duplex DNA method Using Alternating Selectable Markers", <i>Nucleic Acids Research</i> 12, 4441-4454 (1989), IRL Press, Oxford, England
	Vaeck M., et al., "Transgenic Plants Protected from Insect Attack", <i>Nature</i> , Vol. 328 (1987), pp. 33-37, Nature Publishing Group, London, England
	Vanderzant et al., "Rearing of the Bollworm on Artificial Diet", <i>Journal of Economic Entomology</i> , vol. 55, no. 1, (1962) pp. 140-141, Entomological Society of America, College Park, MD
	Van Rie et al., "Mechanism of Insect Resistance to the Microbial Insecticide <i>Bacillus thuringiensis</i> ", <i>Science</i> 247, 72 (1990), American Assn for the Advancement of Science, Washington, D.C.
	Velten, J., et al., "Isolation of a Dual Plant Promoter Fragment from the Ti Plasmid of <i>Agrobacterium tumefaciens</i> ", <i>EMBO J.</i> 3, 2723-2730 (1984), IRL Press Limited, Oxford, England
	Velten, J. et al., "Selection-Expression Plasmid Vectors for Use in Genetic Transformation of Higher Plants", (1985), pp. 6981-6999, <i>Nucleic Acids Research</i> , IRL Press, Oxford, England
	Visser, B., et al., "Domain-Structure Studies of <i>Bacillus thuringiensis</i> Crystal Proteins: A Genetic Approach", in <i>Bacillus thuringiensis</i> , an Environmental Biopesticide: Theory and Practice, pp. 71-88, eds. Entwistle, P.F., Cory, J.S. Bailey, M.J. and Higgs, S., John Wiley and Sons, New York (1993)
	Wada et al., "codon Usage Tabulated from the GenBank Genetic Sequence Data", (1990) <i>Nucl. Acids Res.</i> 18, 2367-1411, Oxford University Press, Oxford, England
	White, Thomas J. et al., "The Polymerase Chain Reaction", <i>TIG</i> (1989), vol. 5, no. 6, pp. 185-189, Elsevier Science Publishers, UK
	Yannisch-Perron, C. et al., "Improved M13 Phage Cloning Vectors and Host Strains: Nucleotide Sequences of the M13mp18 and pUC19 Vectors", <i>Gene</i> 33, 103-119 (1985) Elsevier Science Publishers, UK
ARV	Zhang et al., "analysis of Rice <i>Act1</i> 5' Region Activity in Transgenic Rice Plants" (1991) <i>The Plant Cell</i> 3, 1155-1165, American Society of Plant Physiologists, Rockville, MD.

Examiner Signature		Date Considered	5/9/05
--------------------	--	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

Substitute for forms 1449A/PTO & 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.
021565-083

APPLICATION No.
TBA (CON of 09/739,243)

APPLICANT
ARNAUT

FILING DATE
Even date herewith

GROUP
Unassigned

U.S. PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Name of Patentee or Applicant of Cited Document	Issue/Publication Date (MM-DD-YYYY)
<i>AR</i>	60/153,995		Baum et al.	09-15-1999
	5,356,623		von Tersch et al.	10-18-1994
	5,942,658		Donovan et al.	08-24-1999
<i>AR</i>	6,150,589		Payne et al.	11-21-2000

FOREIGN PATENT DOCUMENTS

Examiner Initials	Document Number	Kind Code (if known)	Country	Date of Publication (MM-DD-YYYY)	Translation Yes No	
<i>AR</i>	WO 01/19859		PCT	03-22-2001		
	WO 96/05314		PCT	02-22-1996		
	EP 1 099 760	A1	EPO	05-16-2001		
<i>AR</i>	EP 0 401 979	B1	EPO	09-04-1996		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.

Examiner Signature	<i>[Signature]</i>	Date Considered	5/7/05
-----------------------	--------------------	--------------------	--------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with M.P.E.P. § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

ATTORNEY'S DKT NO.
021565-083

APPLICATION NO.
TBA (CON of
09/739,243)

APPLICANT
Arnaut et al

FILING DATE
Even date herewith

GROUP
Unassigned

U.S. PATENT DOCUMENTS

Examiner Initials	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication (MM-DD-YYYY)
	Number	Kind Code (if known)		
<i>ARC</i>	5,723,758		Payne et al	03-03-1998

FOREIGN PATENT DOCUMENTS

Examiner Initials	Foreign Patent Document		Country	Date of Publication (MM-DD-YYYY)	Translation	
	Number	Kind Code (if known)			Yes	no
<i>ARC</i>	WO 95/04146		PCT	02-09-1995		
<i>ARC</i>	WO 99/33991		PCT	07-08-1999		
<i>ARC</i>	EP 0589110		EP	03-30-1994		
<i>ARC</i>	WO 99/00407		PCT	01-07-1999		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
<i>ARC</i>	Accession No. Z22512, 8 April 1993, LAMBERT B.: "B. Thuringiensis Encoding Crystal Protein", abstract
<i>ARC</i>	Accession No. X54160, 5 October 1990, PEFEROEN: "Bacillus Thuringiensis CryID Gene for Insecticidal Crystal Protein (Lepidoptera Specific)", abstract
<i>ARC</i>	Accession No. AF093107, 8 October 1998, WASANO et al.: "Bacillus Thuringiensis Delta-Endotoxin Gene, Partial cds", abstract
<i>ARC</i>	Accession No. X75019, 23 December 1993, SHEVELEV et al.: "B Thuringiensis cryIX Gene for Delta-Endotoxin", abstract
<i>ARC</i>	CRICKMORE et al.: "Revision of the Nomenclature for the Bacillus Thuringiensis Pesticidal Crystal Proteins", MICROBIOL. MOL. BIOL. REV, vol. 62, no. 3, (1998), pp. 807-813
Examiner Signature	<i>[Signature]</i>
Date Considered	5/7/05

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. SEND TO: Assistant Commissioner for Patents, Washington, D.C. 20231.